

2022-32243

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY SHOULD LEASE PARKING LOTS AT 1688 LENOX AVENUE (.86 ACRES) AND 1080 LINCOLN LANE NORTH (1.10 ACRES) TO LINCOLN ROAD PROPERTY OWNER, LP, FOR 99 YEARS, REQUIRING, PER RESOLUTION 2022-32242: ADDITIONAL PARKING AND REPLACEMENT OF ALL EXISTING PUBLIC PARKING; 0.79 ACRES OF LANDSCAPED PUBLIC SPACE; 2 CLASS-A OFFICE/RETAIL BUILDINGS, RESTRICTED TO HEIGHT OF 100 FEET; MINIMUM GUARANTEED RENT TO CITY \$210,088,941 (BOTH LEASES), PLUS OTHER REVENUES; AND NO CITY FUNDING.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 8, 2022, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.¹

SECTION 4.

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8th DAY OF NOVEMBER, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

¹ Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

**City Charter Approval: Lease of City Property
at 1080 Lincoln Lane North/1688 Lenox Avenue**

Should City lease parking lots at 1688 Lenox Avenue (.86 acres) and 1080 Lincoln Lane North (1.10 acres) to Lincoln Road Property Owner, LP, for 99 years, requiring, per Resolution 2022-32242:

- additional parking and replacement of all existing public parking,
- 0.79 acres of landscaped public space,
- 2 Class-A office/retail buildings, restricted to height of 100 feet,
- minimum guaranteed rent to City \$210,088,941 (both leases), plus other revenues, and
- no City funding?

Yes _____
No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 8, 2022, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

**City Charter Approval: Lease of City Property
at 1080 Lincoln Lane North/1688 Lenox Avenue**

Should City lease parking lots at 1688 Lenox Avenue (.86 acres) and 1080 Lincoln Lane North (1.10 acres) to Lincoln Road Property Owner, LP, for 99 years, requiring, per Resolution 2022-32242:

- additional parking and replacement of all existing public parking,
- 0.79 acres of landscaped public space,
- 2 Class-A office/retail buildings, restricted to height of 100 feet,

- minimum guaranteed rent to City \$210,088,941 (both leases), plus other revenues, and
- no City funding?

Yes _____
No _____

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special and Runoff Elections shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for the Special Election until 5:00 p.m. on Tuesday, October 11, 2022. All persons eligible to vote at the Elections must be registered before the times and dates set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone:(305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87" Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

That if the proposal provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject proposal, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure set forth herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution, or ballot measure.

SECTION 13.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 20 day of July, 2022.

ATTEST:

7/21/2022
RAFAEL E. GRANADO, CITY CLERK

[Signature]
DAN GELBER, MAYOR

(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



[Signature] 7-13-22
City Attorney PAZ Date RF

**BALLOT QUESTION
NOVEMBER 8, 2022 SPECIAL ELECTION**

I. BALLOT QUESTION:

**City Charter Approval: Lease of City Property
at 1080 Lincoln Lane North/1688 Lenox Avenue**

Should City lease parking lots at 1688 Lenox Avenue (.86 acres) and 1080 Lincoln Lane North (1.10 acres) to Lincoln Road Property Owner, LP, for 99 years, requiring, per Resolution 2022-32242:

- additional parking and replacement of all existing public parking,
- 0.79 acres of landscaped public space,
- 2 Class-A office/retail buildings, restricted to height of 100 feet,
- minimum guaranteed rent to City \$210,088,941 (both leases), plus other revenues, and
- no City funding?

Yes _____
No _____

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY SHOULD LEASE PARKING LOTS AT 1688 LENOX AVENUE (.86 ACRES) AND 1080 LINCOLN LANE NORTH (1.10 ACRES) TO LINCOLN ROAD PROPERTY OWNER, LP, FOR 99 YEARS, REQUIRING, PER RESOLUTION 2022-_____: ADDITIONAL PARKING AND REPLACEMENT OF ALL EXISTING PUBLIC PARKING; 0.79 ACRES OF LANDSCAPED PUBLIC SPACE; 2 CLASS-A OFFICE/RETAIL BUILDINGS, RESTRICTED TO HEIGHT OF 100 FEET; MINIMUM GUARANTEED RENT TO CITY \$210,088,941 (BOTH LEASES), PLUS OTHER REVENUES; AND NO CITY FUNDING.

ANALYSIS

See attached Commission Memorandum.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

See attached Commission Memorandum.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Ricky Arriola


ATTACHMENTS:

Description

- ▣ Commission Memorandum
- ▣ Resolution

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
City Manager Alina T. Hudak

FROM: Rafael A. Paz, City Attorney 

DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY SHOULD LEASE PARKING LOTS AT 1688 LENOX AVENUE (.86 ACRES) AND 1080 LINCOLN LANE NORTH (1.10 ACRES) TO LINCOLN ROAD PROPERTY OWNER, LP, FOR 99 YEARS, REQUIRING, PER RESOLUTION 2022-_____: ADDITIONAL PARKING AND REPLACEMENT OF ALL EXISTING PUBLIC PARKING; 0.79 ACRES OF LANDSCAPED PUBLIC SPACE; 2 CLASS-A OFFICE/RETAIL BUILDINGS, RESTRICTED TO HEIGHT OF 100 FEET; MINIMUM GUARANTEED RENT TO CITY \$210,088,941 (BOTH LEASES), PLUS OTHER REVENUES; AND NO CITY FUNDING.

At the request of Commissioner Arriola, the sponsor of this item, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 8, 2022 for the purpose of submitting to the City's voters the following question pursuant to Section 1.03(b)(2) of the City Charter:

**City Charter Approval: Lease of City Property
at 1080 Lincoln Lane North/1688 Lenox Avenue**

Should City lease parking lots at 1688 Lenox Avenue (.86 acres) and 1080 Lincoln Lane North (1.10 acres) to Lincoln Road Property Owner, LP, for 99 years, requiring, per Resolution 2022-_____:

- additional parking and replacement of all existing public parking,
- 0.79 acres of landscaped public space,
- 2 Class-A office/retail buildings, restricted to height of 100 feet,
- minimum guaranteed rent to City \$210,088,941 (both leases), plus other revenues, and
- no City funding?

Section 1.03(b)(2) of the City Charter provides that a lease of ten years or longer of certain specified City-owned properties shall require approval by a majority vote of the voters in a City-wide referendum, including the Lincoln Road Parking Lots, defined as "all City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West."

The lease of the parking lots at 1080 Lincoln Lane North and 1688 Lenox Avenue are subject to the referendum requirement of Section 1.03(b)(2) of the City Charter. The proposed Leases are the subject of the companion agenda item being considered at the July 20, 2022 City Commission meeting, along with a Development Agreement governing the two properties.

The Miami-Dade County Elections Department has informed the City Clerk that the City's Resolution calling a November 8, 2022 Special Election must be provided to the County Elections Department by July 29, 2022. Accordingly, it should be noted that the proposed measure may be considered by the City Commission either at the July 20, 2022 City Commission meeting or, at the latest, the Special Meeting scheduled for July 25, 2022.

FISCAL IMPACT STATEMENT

FINANCIAL INFORMATION

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,559.85 (Cost Estimate for One Page Ballot) and \$56,217.70 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the November 8, 2022 Special Election, which includes the costs associated with 14 days of Early Voting. (See Department of Election Estimates.) Additionally, the City will incur approximately \$42,000 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

Amount(s)/Account(s):

\$28,559.85 - Estimate 1-page ballot (Scenario 1)

\$56,217.70 - Estimate 2-page ballot (Scenario 2)

\$42,000.00 - Estimate of Legally Mandated Advertisements for Special Election
(Charter Amendments/Ballot Questions)

Maximum Estimated Amount: \$98,217.70

Account: 011-9322-000312-90-400-592-00-00-00

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MBEACH(2)-PB-11082022
Estimate Date: June 21, 2022

Registered Voters:	50,287	Early Voting Days:	
Precincts:	29	Early Voting Sites:	
Polling Places:	24		
Permanent Absentee Ballots:	14,792		

Personnel	\$ -
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>	
Polling Places	-
<i>Security, Polling Place Rentals</i>	
Supplies and Services	-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>	
Trucks and Vehicles	-
<i>Truck Rentals, GSA Vehicles</i>	
Printing and Advertising	25,143.50
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>	
Postage	-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>	
Ballot Creation	820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>	
Administrative Overhead	2,596.35
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>	
*TOTAL	<u>\$ 28,559.85</u>

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Raimundo Delgado
Manager, Budget and Finance
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8424 E-mail: raimundo.delgado@miamidade.gov

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022 w/ additional page

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MB-(2)-PB-110822
Estimate Date: June 17, 2022

Registered Voters:	50,287	Early Voting Days:
Precincts:	29	Early Voting Sites:
Polling Places:	24	
Permanent Absentee Ballots:	14,792	

Personnel	\$ -
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>	
Polling Places	-
<i>Security, Polling Place Rentals</i>	
Supplies and Services	-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>	
Trucks and Vehicles	-
<i>Truck Rentals, GSA Vehicles</i>	
Printing and Advertising	50,287.00
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>	
Postage	-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>	
Ballot Creation	820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>	
Administrative Overhead	5,110.70
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>	
*TOTAL	\$ 56,217.70

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

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Miami-Dade Elections Department
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